

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARJORY D. RAY,	:	NO. 1:11-CV-194
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation, in which the Magistrate Judge recommends that the decision of the Commissioner denying Plaintiff's application for Disability Insurance Benefits be reversed and this matter be remanded (doc. 12).

Proper notice was given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed.

Having reviewed this matter pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation thorough, well-reasoned, and correct.

Accordingly, the Court hereby ADOPTS and AFFIRMS the

Magistrate Judge's Report and Recommendation (doc. 12) in all respects and REVERSES the Commissioner's decision denying Plaintiff's application for benefits. The Court thus REMANDS the case under sentence four of 42 U.S.C. § 405(g) for the ALJ to properly assess and evaluate the opinion evidence, including, but not limited to, the 2007 EMG results and the October 2008 MRI of Plaintiff's cervical spine. Finally, the Court ORDERS that this case be closed from the Court's docket.

SO ORDERED.

Date: July 5, 2012

s/S. Arthur Spiegel
S. Arthur Spiegel
United States District Senior Judge